



MEMORANDUM

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December 17, 2007

BY FAX: (212) 805-4268

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 510
New York, New York 10007

Re: Khawaja Zahid Ullah v. Office of the District Attorney, et al.,
07 Civ. 2687(DAB)(GWG)

Your Honor:

I am an Assistant Corporation Counsel representing defendants in the above-referenced matter in which plaintiff alleges that defendants falsely arrested and maliciously prosecuted him. For reasons set forth below, defendants write to respectfully request a brief extension of time to answer or otherwise respond to the complaint. Plaintiff is incarcerated and proceeding *pro se*. Therefore, this application is being made directly to the Court.

Following the Court's October 30, 2007 endorsement of defendants' motion to compel releases from plaintiff for sealed records related to plaintiff's arrest and prosecution, this office received said releases on November 20, 2007. Shortly thereafter, this office submitted said releases to the Bronx County Criminal Court in order to obtain plaintiff's sealed criminal court file and respond to the allegations set forth in the Complaint. While this office has submitted multiple requests for plaintiff's criminal court file with said releases, we have yet to receive the file. Given plaintiff's claims of false arrest and malicious prosecution, it is essential for defendants to have the criminal court file in to adequately investigate the allegations of the complaint and formulate a sufficient response.

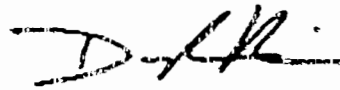
Therefore, defendants respectfully request a brief extension of time to answer or otherwise respond to the complaint until January 7, 2007 so that this office may receive

plaintiff's criminal court file.¹ Defendants have made two previous requests for extensions of time to answer or otherwise respond because this office had not yet received the aforementioned releases from plaintiff.

Accordingly, defendants respectfully request their time to answer or otherwise respond to the complaint be extended until January 7, 2007 so this office may receive the required files and respond to the complaint.

Thank you for your consideration herein.

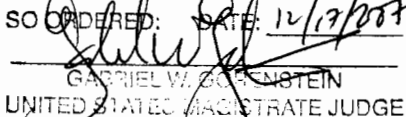
Respectfully submitted,



Douglas W. Heim (DH5238)
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Special Federal Litigation Division

cc: Z. Ullah Khawaja (by first class mail)
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Accepted.

SO ORDERED: DATE: 12/17/07

GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

¹ Defendants would ask for a shorter extension, but given the upcoming holidays we anticipate that receipt of the criminal court file may be further delayed.